

REMARKS

The Office Action states that there are four distinct inventions claimed in this patent application and requires restriction to one of those inventions. In particular, the Office Action requires restriction to one of the following four groups of claims:

- I. Claims 1-5, “drawn to Task Assignment (Scheduling)”
- II. Claims 6-16, “drawn to Ontology”
- III. Claims 17-42, “drawn to Record Management”; and
- IV. Claims 43-50, “drawn to Sorting”

The Examiner asserts that these groups are distinct because: (1) “Inventions I, II, III, and IV are related subcombinations disclosed as usable together in a single combination”; and (2) “subcombination I has separate utility such as specifying auxiliary tasks embedded within primary tasks . . . subcombination II has separate utility such as arranging execution task classes, structure element classes, and execution constraint classes in hierarchies to form subontologies . . . subcombination III has separate utility such as integrating the generalized guideline execution tasks . . . subcombination IV has separate utility such as presenting a user interface allowing the selection of project files.” (Office Action, p. 2).

Applicants provisionally elect, with traverse, the claims of Group III (claims 17-42).

In accordance with MPEP § 803, a restriction requirement is proper between patentably distinct inventions where (A) “the inventions [are] independent . . . or distinct as claimed” and (B) “there would be a serious burden on the examiner if restriction is not required.”

Applicants respectfully submit that the Examiner has failed to meet the burden of showing at least the second requirement for a proper restriction. In particular, the Examiner has failed to demonstrate that there would be a serious burden “by appropriate explanation of separate classification, or separate status in the art, or a different field of search.” (MPEP § 803). Rather, the Office Action merely provides a list of alternative conclusory statements without any analysis or factual support for any of these statements. It is respectfully submitted that this is not sufficient to demonstrate that an undue burden would be placed on the Examiner if the claims in Groups I, II, III, and IV were examined together. While the groups do have different classifications or sub-classifications, Applicants note that these classes are closely related, and it is believed that one reading and understanding the specification would readily be able to search for and analyze prior art without undue burden. Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

In the event that the restriction requirement is maintained, Applicants would like to point out the following regarding the manner in which the groups have been characterized in the Office Action.

Groups I-IV are said to be related as “subcombinations disclosed as usable together in a single combination.” However, claim 17 of Group III broadly claims the features of both claim 1 (Group I) and claim 6 (Group II). Therefore, Groups I, II and III are not “subcombinations disclosed as usable together in a single combination.” Applicants respectfully request that the Examiner restate the restriction requirement to make clear that Group I, II and III are not “subcombinations disclosed as usable together in a single combination.”

The Commissioner is requested to grant any necessary extension of time and is authorized to charge any fees that might be due to Deposit Account No. 08-0219, under Order No. 19240.476-US1, from which the undersigned is authorized to draw.

Respectfully submitted,

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